

JFW 0001/012

KOESTNER BERTANI LLP
Intellectual Property Attorneys18662 MacArthur Blvd.
Suite 400
Irvine, California 92612949.251.0250
fax 949.251.0260

September 18, 2006

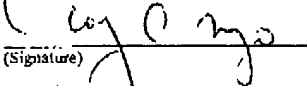
Mail Stop Petitions
Commissioner For Patents
P.O. Box 1450
Washington, D. C. 22313-1450

Applicant(s):	David A. Holly		
Assignee:	n/a		
Title:	APPARATUS AND METHOD FOR WARPING A LOOM		
Serial No.:	10/665,694	Filing Date:	September 18, 2003
Examiner:	Sutton, Andrew W.	Group Art Unit:	3765
Docket No.:	1016.P001 US		

Attached herewith for filing is as follows:

1. Transmittal Letter (in duplicate)
2. Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance (9 pages)
3. Credit Card Payment Form

- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (71) 273-3250 on the date shown below	
	
(Signature)	
Joye C. Ngo	
(Printed Name of Person Signing Certificate)	
September 18, 2006	
(Date)	

Respectfully submitted,

Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 42,321**RECEIVED**
SEP 21 2006
OFFICE OF PETITIONS2006 SEP 19 AM 7:45
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David A. Holly
Title: Apparatus and Method for Warping a Loom
Serial No.: 10/665,694 Filing Date: September 18, 2003
Examiner: Sutton, Andrew W. Group Art Unit: 3765
Docket No.: 1016.P001 US Confirmation No.: 6234

Irvine, California
RECEIVED September 18, 2006

MAIL STOP PETITION
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP 21 2006
OFFICE OF PETITIONS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE

Dear Sir:

This paper is being filed in response to a routine status check on July 31, 2006 regarding the above-mentioned application during which Applicant's attorney noted that a Notice of Allowance issued by the Office on April 21, 2006 had not been received by Applicant's attorney. The application went abandoned because Applicant did not receive and therefore did not respond to the Notice of Allowance.

Applicant hereby petitions for a withdrawal of the holding of abandonment of this application under 37 CFR 1.181(a). (See Manual of Patent Examining Procedure (MPEP) Section 711.03(c)(I)(A)).

In all applications handled by Applicant's attorney's firm, Office Actions and Notices received from the Patent Office that require a response are entered on the front of the application's file as well as in a computerized docketing system called "IPMASTER" that is commercially available through Thomson-West, Inc. The Office Actions/Notices are placed in the file, and the file is given to the responsible attorney. Applicant's attorney notes the due

-1 of 2-

Serial No. 10/665,694

KOSTNER BERTANI LLP
18662 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 331-0250
FAX (949) 331-0250

date for response on her personal calendar in Microsoft's Outlook software program. Applicant's attorney has searched the file jacket, her office, her calendar, the docketing system, and her assistant's office and did not find a copy of the Notice or any other evidence that the Notice had been received.

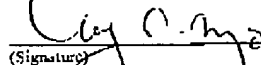
Enclosed herewith are copies of the front of the file for the above-referenced application showing the dates of all Office Actions and Notices received from and responses sent to the U.S. Patent Office. Copies of the records from Applicant's attorney's calendar and docketing system are further enclosed herewith.

A copy of the payment of the Issue Fee is also enclosed herewith.

Withdrawal of the holding of abandonment and entry of the payment of the issue fee is respectfully requested.

No petition fee is believed to be required under 37 CFR 1.181 because this petition is being filed within 2 months of July 21, 2006, which is the final date by which the Issue Fee was to be paid.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571) 273-6300 on the date shown below:


(Signature)

Joy C. Niso
(Printed Name of Person Signing Certificate)

September 18, 2006
(Date)

Respectfully submitted,



Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 42,312

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July 2006

July 2006							August 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
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Mary Jo Bertani

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8/15/2006 2:05 PM

August 2006

August 2005							September 2006						
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27	28						24	25	26	27			30

[illegible]

Mary Jo Bertani

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8/15/2006 2:05 PM

Friday, August 18, 2006

PATENT CASE HISTORY FOR Docket Number**1016.P001 US**

Regular

Original Filing

National

Application Number

101665694

United States

Application Date

9/18/2003

Country Name

Patent Number

Client Name

Mary Jo Bertani

Grant Date

Attorney Name

Title Apparatus and Method for Warming a Loom

Current Owner Name

Assignment Date

Inventor Name

David A. Holly

Action Due Date **Action Description****Completed Date** **Taken Date** **Notes**

1/13/2006	Response 1st OA - final deadli	10/12/2005	
3/18/2005	Published	3/15/2005	
9/18/2004	Foreign filing deadline	10/1/2004	
3/18/2004	Foreign filing - 6 month remin	10/1/2004	
6/18/2004	Foreign filing - 9 month remin	10/1/2004	
8/18/2004	Foreign filing - 11 month remin	10/1/2004	
1/18/2005	Redacted Publication Deadline	10/1/2004	
	No Foreign Filing	10/1/2004	
	1st Office Action Mailing Date	7/13/2005	
10/13/2005	Response to 1st office action	10/12/2005	

Patent Case History Report

Page 1 of 2

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OFFICE OF PETITIONS

Friday, August 18, 2006

PATENT CASE HISTORY FOR Docket Number

12/18/2003	Info Discd. Statement	9/18/2003
12/13/2005	Response first OA - second exte	10/12/2005
8/30/2006	Notice of Appeal Due	2/23/2006
	Final Rejection	12/30/2005
2/28/2006	Response to provoke advisory a	2/23/2006
3/30/2006	Final rejection due	2/23/2006
4/30/2006	Final rejection - 1st extensio	2/23/2006
5/30/2006	Final rejection - 2nd extensio	2/23/2006
6/30/2006	Final rejection deadline	2/23/2006
3/30/2006	Appeal due	2/23/2006
4/30/2006	Appeal due - 1st extension	2/23/2006
5/30/2006	Appeal due - 2nd extension	2/23/2006
11/13/2005	Response first OA - 1st extens	10/12/2005

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Page 2 of 2

Patent Case History Report

Docket No.: 1016.P001 US**KOESTNER BERTANI LLP
U.S. PATENT APPLICATION**

Inventor(s): David A. Holly																																												
Title: APPARATUS AND METHOD FOR WARPING A LOOM																																												
Serial No.: 10/665,694			Filed: September 18, 2003																																									
Client: David A. Holly			Client Ref. No.: HOLLY.P001 US																																									
Assignee: n/a			Assignee State of Incorporation: n/a																																									
Entity Status: <input type="checkbox"/> Large <input checked="" type="checkbox"/> Small			Date of Change:																																									
Assignment Received:		Recorded:	Reel/Frame:	Forwarded to Client:																																								
Bucket Accompanies File: <input type="checkbox"/> Yes																																												
Related: U.S. Cases	Serial No.:	Filed:	Docket No.:																																									
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<table border="1"> <thead> <tr> <th colspan="3">OFFICE ACTIONS</th> <th colspan="2">Response Mailed</th> </tr> <tr> <th>PTO Mail Date</th> <th>Due Date</th> <th>LTC</th> <th>PTO</th> <th>LTC</th> </tr> </thead> <tbody> <tr> <td>7/13/2005</td> <td>10/13/2005</td> <td>7/20/2005</td> <td>10/12/2005</td> <td>10/15/2005</td> </tr> <tr> <td>12/30/2005</td> <td>2/28/2006</td> <td>1/3/2006</td> <td>2/23/2006</td> <td>3/2/2006</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>					OFFICE ACTIONS			Response Mailed		PTO Mail Date	Due Date	LTC	PTO	LTC	7/13/2005	10/13/2005	7/20/2005	10/12/2005	10/15/2005	12/30/2005	2/28/2006	1/3/2006	2/23/2006	3/2/2006																				
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Foreign Applications Filed In:																																												
Docket No.: 1016.P001 US																																												

Client: **DAVID A. HOLLY**First Inventor: **Holly, David A.**Docket No.: **1016.P001 US****RECEIVED****SEP 21 2006****OFFICE OF PETITIONS**

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

SEP 21 2006

OFFICE OF PETITIONS

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

32794 7590 04/21/2006
KOESTNER BERTANI LLP
18662 MACARTHUR BLVD
SUITE 400
IRVINE, CA 92612

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Joy C. Ngo	(Depositor's name)
	(Signature)
September 18, 2006	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,694	09/18/2003	David A. Holly	1016.P001 US	6234

TITLE OF INVENTION: APPARATUS AND METHOD FOR WARPING A LOOM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	07/21/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
SUTTON, ANDREW W	3765	139-029000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Koestner Bertani LLP
2 Mary Jo Bertani
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Mary Jo Bertani
Typed or printed name Mary Jo Bertani

Date September 18, 2006Registration No. 42,321

This collection of information is required by 37 CFR 1.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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